

# PAPERS

IN REGARD TO DIFFERENCES BETWEEN

## CANADA AND THE UNITED STATES

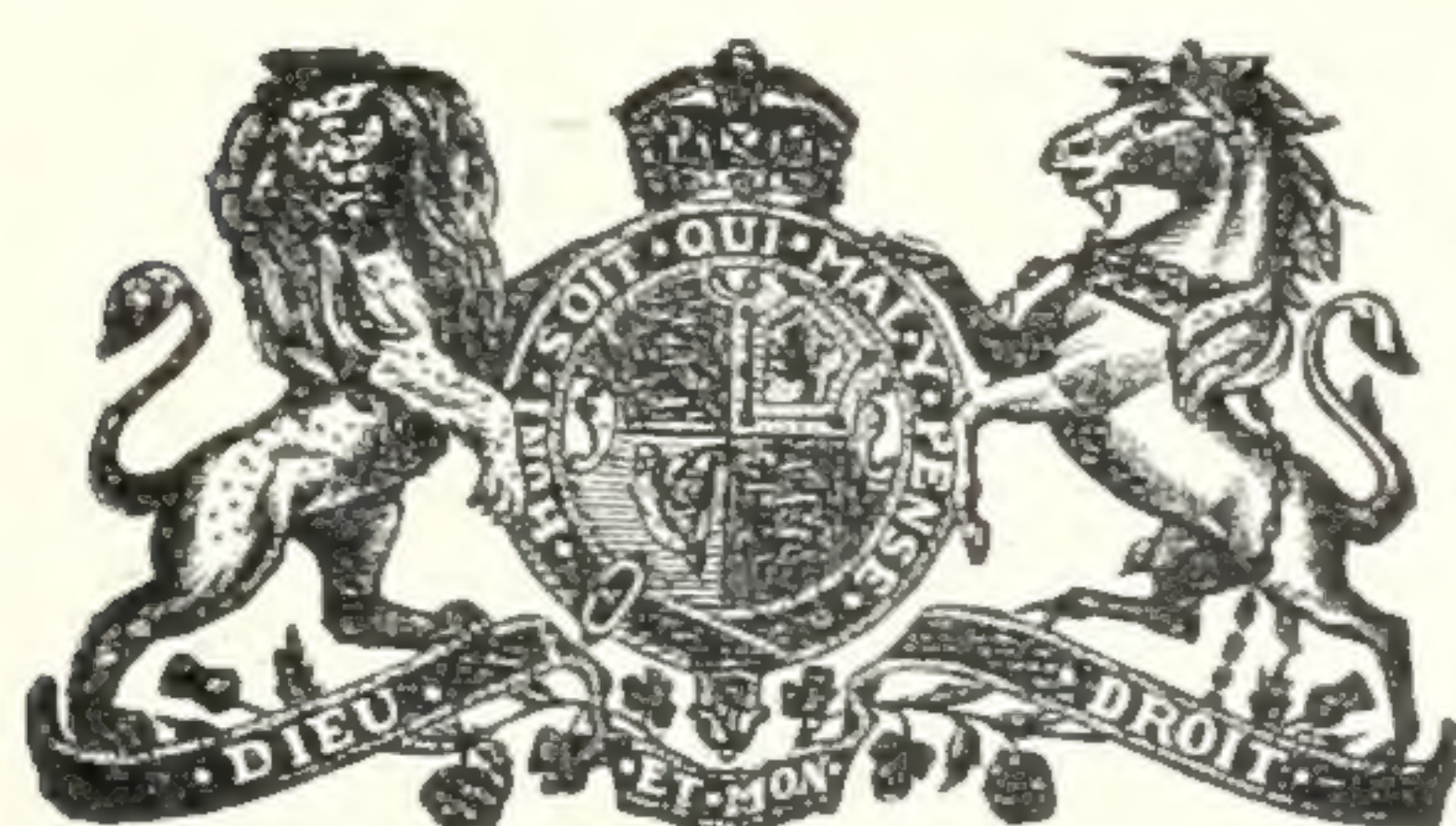
REFERRED TO THE

### HAGUE TRIBUNAL

ALSO

### AMENDED FISHERY REGULATIONS

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OTTAWA

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1911







As the following papers were not arranged in proper sequence when presented to the House, they may be found more readily by consulting the following

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# RETURN

(97a.)

AT THE GOVERNMENT HOUSE AT OTTAWA.

Saturday the 21st day of January, 1911.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council, in virtue of the authority conferred upon him by Section 54 of the Fisheries Act, Chapter 45 of the Revised Statutes of Canada, 1906, is pleased to Order and it is hereby Ordered as follows:—

(a) Subsection one of section five of the Fishery Regulations for the Province of Quebec, established by the Order in Council of the 12th September, 1907, is hereby rescinded and the following substituted therefor:—

1. Fishing by means of cod trap-nets without a license from the Minister of Marine and Fisheries is prohibited in the waters of the Gulf of St. Lawrence, except at the distance of one thousand yards from shore, or one thousand yards from any similar net set from the shore.

(b) Subsection four of section five of the said Regulations is hereby rescinded, and the following substituted in lieu thereof:

4. If the leader of a cod trap-net extends from the shore, any fishery officer may determine in writing or orally the length of the leader that shall be used.

(c) The following subsection is hereby added to section five of the said Regulations:

9. Upon any inhabitant of the United States fishing with trap-nets in Canadian waters, in the exercise of his liberties under the Treaty of 1818, applying for a berth site under the licensing provisions, such a license shall be issued in the usual course, for any unoccupied berth site selected by the applicant, upon payment of the regular fee in consideration of the exclusive use of such site, subject to the usual rules and regulations.

(d) Subsection (a) of section eight of the said Regulations, is hereby rescinded and the following substituted in lieu thereof:

1. (a) Fishing by means of herring trap-nets without a license from the Minister of Marine and Fisheries, is prohibited in the waters of the Gulf of St. Lawrence, except at the distance of one thousand yards from shore or one thousand yards from any similar net set from the shore.

(c) Subsection (d) of section eight of the said Regulations is hereby rescinded and the following substituted in lieu thereof:

(d) If the leader of a herring trap-net extends from the shore, any fishery officer may determine in writing or orally, the length of the leader that shall be used.

(f) The following subsection is hereby added to section eight of the said Regulations:

(f) Upon any inhabitant of the United States fishing with trap-nets in Canadian waters in the exercise of his liberties under the Treaty of 1818, apply-  
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ing for a berth site under the licensing provisions, such a license shall be issued in the usual course for any unoccupied berth site selected by the applicant, upon payment of the regular fee in consideration of the exclusive use of such site, subject to the usual rules and regulations.

RODOLPHE BOUDREAU,  
*Clerk of the Privy Council.*

(Copy).

*From Mr. Bryce to Lord Grey.*

BRITISH EMBASSY, WASHINGTON, January 16, 1911.

MY LORD,—I have the honour to report that after daily conference throughout the week a provisional settlement has been reached in regard to the objections of the United States Government as to existing fishery laws and regulations of Canada and Newfoundland, which objections were under the Hague award suggested to be submitted to a commission of experts, subject to eventual reference to the Tribunal itself.

The first object of this conference was to prevent the possibility of reconvening the Hague Tribunal for questions such as this; the second object was, if possible, to meet the objections of the United States in such a manner as to prevent any further difficulty in regard to them.

The first object has been satisfactorily attained in the first minute herewith enclosed, which applies to both Canada and Newfoundland, and which, in its effect, transfers to the permanent Commissions recommended by the Award for settlement of questions concerning future regulations, under Article IV of the Special Agreement, that jurisdiction over questions as to existing regulations instituted by the Award under Article III, no doubt in order to avoid exceeding the terms of reference, while giving time for friendly settlement by negotiation, a settlement which has now been attained.

This joint settlement for Canada and Newfoundland having been effected and the Newfoundland Government not being in a position at present to meet all the objections of the United States Government to Newfoundland regulations, Sir E. Morris left Washington on the evening of the 12th, it being understood that the Canadian Ministers would make no concessions as to Sunday fishing, purse seines, or other questions which might affect Newfoundland interests.

In the discussions, which went fully into all the regulations to which the United States Government had objected in Protocol XXX, Sir E. Morris intimated his willingness to alter some of the Newfoundland regulations, and took with him a note of the points on which he thought that concessions might be made by his country.

The Conference was then resumed on the 13th with a view of arriving at a friendly agreement in regard to the United States' objections to Canadian regulations. Some difficulty was experienced in finding a form for this second minute satisfactory to all parties. The United States Government wished to reserve to themselves the fullest right of reviving the objections in question should occasion call for it, and also were disposed to object in principle to the licensing system. The Canadian representatives wished to render it as difficult as possible to revive the objections and were (and, in my opinion, quite rightly) determined to make no concession as to licensing in principle. They were, however, prepared as result of the expert examination of certain regulations to make some minor amendments, which were chiefly of a technical nature and did not prejudicially affect any Canadian interest. After much debate with the United States representatives and discussion among ourselves the annexed minute was agreed on and signed.

It will be observed that by the terms finally agreed to the right of the United States Government to revive their objections is restricted to cases in which changes likely to prejudice United States fishermen might occur in the general conditions of



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the fishery. Canada obtains on the other hand in return for such minor concessions as her representatives were prepared to make voluntarily, with no injury to her own fishing interests, a statement by the United States which amounts to an implied recognition of the reasonability of the licensing system; and the general result is a practical acceptance of the existing situation, subject to the minor amendments above-referred to.

I may add that the two Canadian Ministers seemed to me to show a happy union of firmness in all essentials with a reasonable spirit in non-essentials, and their attitude was appreciated by the United States representatives, whose conduct of their side of the case evinced a no less friendly disposition, and who recognized unequivocally the fairness with which the Canadian laws and regulations had been administered. Both sides parted with cordial sentiments, and both the President and the Secretary of State expressed to me their great satisfaction that matters had been so adjusted as to leave pleasant recollections behind of the frame of mind in which questions had been dealt with, which at one time seemed likely to give rise to discussion and controversy. It was deemed especially fortunate that any necessity for a further reference to arbitration, with all the expense and delay that this might have involved, had been avoided by direct negotiation between the parties.

I have, &c.,

JAMES BRYCE.

MINUTES OF CONFERENCES held at Washington the 9th, 10th, 11th and 12th of January, 1911, as to the application of the Award delivered on the 7th September, 1910, in the North Atlantic Coast Fisheries Arbitration to existing Regulations of Canada and Newfoundland.

The undersigned having considered in detail and with expert assistance the steps to be taken in consequence of the Award in connection with the objections of the United States Government to existing regulations of the Fisheries in Canadian and Newfoundland Treaty Waters as recorded in Protocol XXX of the proceedings before the Tribunal of Arbitration, and having conferred as to the best means of dealing with these objections, have arrived at the following conclusion:

It is unnecessary to refer any existing regulations to the Commission of Experts mentioned in the Award in application of Article III of the Special Agreement of January 27, 1909, or to reconvene the Tribunal of Arbitration; but any difference in regard to the regulations specified in Protocol XXX which shall not have been disposed of by diplomatic methods, shall be referred to the permanent Mixed Fishery Commission to be constituted as recommended by the Hague Award under Article IV of the Special Agreement in the same manner as a difference in regard to future regulations would be so referred under the recommendation in the Award, unless by mutual consent some other rules and method of procedure are adopted.

JAMES BRYCE.

PHILANDER C. KNOX.

E. P. MORRIS.

CHANDLER P. ANDERSON.

A. B. AYLESWORTH.

L. P. BRODEUR.

January 12, 1911.



MINUTES OF CONFERENCES held at Washington the 13th and 14th January, 1911, as to the objections of the United States to existing laws and fishery regulations of Canada as recorded in Protocol XXX of the proceedings of the North Atlantic Coast Fisheries Arbitration.

The undersigned, having considered the best means of dealing with the objections above referred to, subject to the minutes of previous conferences signed January 12th, have arrived at the following conclusion:

Having regard to the present method of administering the Canadian laws and fishery regulations and to certain amendments which Canada is willing to make therein and to the present state of the fisheries and conditions under which they are carried on and places of fishing, the United States does not press at present any of the objections referred to in Protocol XXX which relate to Canada laws and fishery regulations, it being understood that the right of the United States to renew such objections is not thereby in any way prejudiced should conditions change.

The amendments and regulations above referred to are:

Subsection one of section five of the Special Fishery Regulations, Province of Quebec, approved on the 12th day of September, one thousand nine hundred and seven, is repealed and the following substituted therefor:

1. Fishing by means of cod trap-nets without a license from the Minister of Marine and Fisheries is prohibited in the waters of the Gulf of St. Lawrence, except at the distance of one thousand yards from shore or one thousand yards from any similar net set from the shore.

Subsection four of section five is repealed and the following substituted therefor:

4. If the leader of a cod trap-net extends from the shore any fishery officer may determine in writing or orally the length of the leader that shall be used.

Subsection (a) of section eight of the said special fishery regulations is hereby repealed and the following substituted therefor:

1. (a) Fishing by means of herring trap-nets without a license from the Minister of Marine and Fisheries is prohibited in the waters of the Gulf of St. Lawrence except at the distance of one thousand yards from any similar net set from the shore.

Subsection (d) of section eight is hereby repealed and the following substituted therefor:

(d) If the leader of a herring trap-net extends from the shore, any fishery officer may determine in writing or orally the length of the leader that shall be used.

Subsection nine of section five (added):

Upon any inhabitant of the United States fishing with trap-nets in Canadian waters in the exercise of his liberties under the Treaty of 1818 applying for a berth site under the licensing provisions, such a license shall be issued in the usual course for any unoccupied berth site selected by the applicant upon payment of the regular fee in consideration of the exclusive use of such site, subject to the usual rules and regulations.

Clause (f) of subsection one of section eight (added):

Upon any inhabitant of the United States fishing with trap-nets in Canadian waters in the exercise of his liberties under the Treaty of 1818 applying for a



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berth site under the licensing provision such a license shall be issued in the usual course for any unoccupied berth site selected by the applicant upon payment of the regular fee in consideration of the exclusive use of such site, subject to the usual rules and regulations.

JAMES BRYCE.  
PHILANDER C. KNOX.  
L. P. BRODEUR.  
A. B. AYLESWORTH.  
CHANDLER P. ANDERSON.

January 14, 1911.



